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No. 84-512

IN THE

# Supreme Court of the United States

OCTOBER TERM, 1984

**DeHAVILLAND AIRCRAFT OF CANADA, LTD.,**

*Petitioner,*

vs.

**CRISPIN MAUNDER and SAMUEL J. BETAR, Public Administrator of Cook County, Administrator of the Estate of RAGHUBIR DUTT LAW, Deceased,**

*Respondents.*

**On Petition For Writ Of Certiorari To The Supreme Court Of Illinois**

## REPLY TO RESPONDENTS' BRIEF IN OPPOSITION

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**On Petition For Writ Of Certiorari To The Supreme Court Of Illinois**

## REPLY TO RESPONDENTS' BRIEF IN OPPOSITION

Petitioner, DeHavilland Aircraft of Canada, Ltd., replies to Respondents' Brief in Opposition as follows:

### THE DECISIONS AND ARGUMENTS CONTAINED IN RESPONDENTS' BRIEF ILLUSTRATE THE NEED FOR THIS COURT'S REVIEW

The arguments and authorities contained in Respondents' Brief, attempting to uphold Illinois jurisdiction over

the Canadian Petitioner in a case involving an aircraft manufactured in Canada, a crash in Africa, and suits on behalf of citizens of India and Great Britain, further show the necessity for this Court's review of the parent/subsidiary jurisdiction issue presented herein.

### If This Case Does Not Raise A *Cannon* Issue, No Case Does

*Perkins v. Banguet Mining Co.*, 342 U.S. 437 (Response, p. 5) was in fact cited by Petitioner below as it illustrates the type of "continuous and systematic" business activity wholly absent in the case at bar—*unless*, contrary to *Cannon Mfg. Co. v. Cudahy Packing Co.*, 267 U.S. 333 (1925), Petitioner is also charged with the Illinois activities of its subsidiary. This is *exactly what the Illinois Supreme Court decided* when it held that:

> "Inc. [the subsidiary] has been operating in Illinois for 13 years and these operations have been continuous and systematic." (102 Ill. 2d at 350).

By this language, the Illinois Supreme Court held Petitioner, a Canadian manufacturer of an airplane that crashed in Africa, amenable to Illinois jurisdiction because Petitioner's subsidiary (not Petitioner) does continuous and systematic business in Illinois which had nothing whatsoever to do with the airplane in this case. Thus, to say that this case does not involve a *Cannon* issue (Response, p. 7), is to say that the Illinois Supreme Court did not hold what it stated that it held in expressly basing its finding of jurisdiction on the activities of Petitioner's subsidiary.

Respondents' further argument (Response, p. 8) that *Cannon* stands only for the proposition that mere ownership of stock is insufficient to attribute the activities of the subsidiary to the parent for jurisdictional purposes, flies in the face of the *Cannon* Court's acknowledgement of the parent's "domination" and "control" of all aspects of the subsidiary's operations in that case (267 U.S. at 335), and only emphasizes the need for this Court's review and clarification of this significant area of the law, particularly as it applies to a foreign manufacturer.

Also woven throughout Respondents' Brief (p. 2), is the concept that somehow an airplane manufacturer, because its products are used throughout the United States,* is subject to different jurisdictional rules than other defendants. While we know of no authority to support such a proposition, it is precisely this Court, as the final arbiter of the confines of jurisdictional due process, that should consider the merits of such a novel claim.

## CONCLUSION

We agree with Respondents that this Court cannot review every personal jurisdiction case. However, this Court can and should review a case where a State Court has expressly discredited and declined to follow a landmark decision of this Court on an important and recurring issue of parent/subsidiary jurisdiction. Accordingly, Peti-

* Although the airplane in the case was never in the United States at any time!

tioner DeHavilland Aircraft of Canada, Ltd. again respectfully requests that a Writ of Certiorari issue to review the judgment and opinion of the Illinois Supreme Court.

Respectfully submitted,

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